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In re application of Zhengyu Yuan et al. :
Serial No. : 09/248,158 : DECISION ON PETITION
Filed : February 9, 1999 :
Attorney Docket No.: 342312000600 :

This is in response to applicants' petition, filed September 18, 2003 under 37 CFR 1.181, to enter the amendment after final rejection filed July 19, 2003.

BACKGROUND

A review of the file history shows that the examiner mailed an Office action (final rejection) on May 19, 2003. On July 19, 2003 applicants filed an amendment and response under 37 CFR 1.116. On August 5, 2003 the examiner mailed an advisory action indicating that the amendment would not be entered because it raised new issues and did not reduce or simplify the issues for appeal. The examiner did not state what new issue would be raised if the amendment were entered.

DISCUSSION

The proposed amendment after final rejection included changes to claims 1 and 20. Since claim 20 is withdrawn from consideration, no new issue is raised by the amendment to that claim. Claim 1 would be amended to change the words "can be" to "is." It does not appear that entry of this amendment would require further search or a new ground of rejection.

DECISION

Applicants' petition is **GRANTED**.

Upon appeal, the amendment filed July 19, 2003 will be entered.

Any request for reconsideration or review of this decision must be made by a renewed petition and must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter please contact Bruce Campell by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA, 22313-1450, or by telephone at (571) 272-0974 or by facsimile transmission at (571) 273-0974.

John Doll 
Director, Technology Center 1600